



CITY OF INDIANAPOLIS

STEPHEN GOLDSMITH
MAYOR

May 20, 1992

Mr. Irvin J. Dzikowski, Chief
Permits Section, Unit I
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: WQP-16J/Indianapolis Pretreatment Program Modifications

Dear Mr. Dzikowski:

As requested in your letter dated March 21, 1992, please find enclosed the revisions proposed by the City of Indianapolis to its Industrial Pretreatment Ordinance. The revisions are shown by underscoring and cross-hatching provisions of the existing Ordinance. A response to EPA's February, 1992, Legal Authority Review of the City of Indianapolis, Indiana, is included as well.

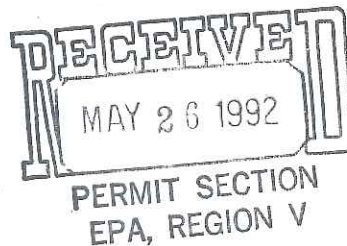
Please contact Mr. Tim Heider at (317) 327-2247 if you have any questions.

Sincerely,

Robert F. Holm, Ph.D.
Administrator

RFH/sea

Enclosures



CITY RESPONSE TO EPA LEGAL AUTHORITY REVIEW
OF THE CITY OF INDIANAPOLIS, INDIANA
MAY 20, 1992

A. DEFINITIONS

- (5) National Pretreatment Standard - Revision Recommended.

The City of Indianapolis (City) declines to add a definition for the broader term "national pretreatment standard." Because this term is not used in the City's pretreatment ordinance, inclusion of a definition of the term is unnecessary.

- (6) Pretreatment Requirement - Revision Recommended.

The City declines to change the term "pretreatment standard or regulation" to the term "pretreatment requirement."

- (7) Significant Industrial User - Revision Required.

The City has included the revision required in Section 27-2(5).

B. PROHIBITED DISCHARGES

- (2) Specific Prohibitions

Heat - Revision Required.

The City has deleted the phrase "unless approved by the Director" in Section 27-4(d)(2) as required.

- ✓(4) National Categorical Standards - Revision Required.

The City has incorporated federal categorical pretreatment standards by reference as required and will endeavor to incorporate standards promulgated by EPA after adoption of the revised ordinance in a timely fashion.

C. CONTROL DISCHARGES TO POTW SYSTEM

- (1) Deny/Condition New or Increased Contributions - Revision Required.

The City has incorporated the required revisions by adding the term "prior" to Section 27-44(k) and by adding a new provision to Section 27-4(h).

(3) Require Development of Slug/Spill Plan - Revisions Recommended.

The City is developing a program to address slug discharges, which will incorporate the requirements of 40 CFR 403.8(f)(2)(v) and be incorporated into the ordinance once completed. Until the specific program is completed, the City will continue to rely upon the provisions of Section 27-44(m) to provide adequate legal authority.

D. REQUIRE DEVELOPMENT OF COMPLIANCE SCHEDULES AND REPORTS

(2) Reporting Requirements

Types of Reports

- Baseline Monitoring Report - Revision Required.

The City has added a new provision Section 27-8(f) to incorporate the rest of the information required by 40 CFR 403.12(b).

- Notice of Changed Discharge - Revisions Required.

The City has addressed this revision in Section 27-44(k) and Section 27-4(h).

- Notification of Discharge of Hazardous Wastes - Revisions Required.

The City has added Section 27-62 to address this requirement.

Other Requirements

- Signatory/Certification Requirements
 - Appropriate O & M/Pretreatment Certification - Revisions Required.

The City has added Section 27-8(f) to address this requirement.

-- Date Accuracy Certification/Authorized Signatory - Revisions Required.

The City has added specific certification language taken from 40 CFR 403.6(a)(2)(ii) to Section 27-60.

- Recordkeeping Requirement - Revisions Recommended.

The City has added language to Section 27-17(b) to extend the recordkeeping period under certain circumstances as recommended.

F. INSPECTION AND MONITORING PROCEDURES

(5) Right to Inspect and Copy Records - Revision Required.

Section 27-17(b) requires users to make monitoring records "available for inspection and copying by the Director and the EPA." The City believes this provision provides adequate legal authority to copy records and that no further revision is necessary.

G. REMEDIES FOR NONCOMPLIANCE (ENFORCEMENT)

(i) Nonemergency Response

Civil/Criminal Penalties - Revisions Recommended.

With respect to the recommended inclusion of criminal penalties, the City does not have the "power to prescribe a penalty for conduct constituting a crime or infraction under statute." INDIANA CODE 36-1-3-8(8). With respect to the recommended inclusion of administrative enforcement, the City is developing an administrative enforcement program, which will be incorporated into the ordinance upon completion.

H. PUBLIC PARTICIPATION

(2) Access to Data

Government - Revision Required.

The City has deleted the phrase "to any government agency" from Section 27-51, thus removing any impediment to EPA's immediate and unlimited access to user records.